

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF JULY 17, 2012

PLANNING COMMISSION
MINUTES OF JUNE 19, 2012
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Bueche, Hegyi, Micele, Postema, Spencer, Weller, Woodruff

MEMBERS ABSENT: Arnoys, Goodheart

STAFF PRESENT: Cochran, City Planner
Rynbrandt, Director of Community Services
Lucar, Administrative Secretary

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Hegyi, supported by Woodruff, to excuse Arnoys and Goodheart. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of May 15, 2012 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

Dean Rietberg, 1893 Camrose Ct SW, commented on the proposed site plan for Chateau Village Apartments Phase 4. Some of the residents met with the developer a few weeks ago and expressed their concerns. A revised site plan was submitted by the developer, which they have not seen. The plan they saw at the neighborhood meeting showed a reconfiguration of the garages, but shows the green space as a “buffer zone” instead of a “do not disturb zone”. The neighbors prefer the wording “do not disturb zone”. The neighbors were also hoping to see a reduction in density.

Lenore Burnett, 1885 Camrose Ct SW, noted a group of the Chateau neighbors met with Mr. Koetje and his attorney, but there are still concerns with the revised site plan. They do not like the verbiage “buffer zone” instead of a “do not disturb zone”. They would also like to see lesser density because there will be a lot of vehicles added to what is already there. She asked, if the

Planning Commission moves forward with the site plan, what recourse do the neighbors have if the plans are not followed accordingly?

Jon Dunbar, 4592 N. Camrose Ct, indicated not much was altered on the revised site plan. The revised proposal should be denied because there was very little compromise made by the developer. The density should be reduced significantly. The verbiage “buffer zone” needs to be changed to a “do not disturb zone”. The City needs to put the interests of the citizens first.

Bill Vukovich, 4568 N. Camrose Ct., mentioned there was a comment made by one of the Council members at the City Council meeting regarding building condos or houses on this land instead of apartments. The Council member stated “Who would buy a house next to an apartment complex?” This is the neighbors’ point exactly. Who will buy their homes with an apartment complex directly in their backyard?

John Lee Koetje, 6665 – 36th St, Hudsonville, indicated they submitted the revised site plan to the City a week ago, so it was available to view at the City offices. As far as the density, the numbers are extremely close to the existing density of the last three apartment phases built in Chateau Village. It is just over 10 units per acre. Regarding the wording “buffer zone”, when phases 1 and 2 were approved many years ago, the word “buffer” was used and they were being consistent with prior approvals. They have changed the location of the garages and extended the natural berm to minimize or eliminate lights shining into the neighbors’ backyards.

Phil Nelson, 4584 N. Camrose Ct. indicated the big issue for them is the reduction in property values. Who is going to buy their homes now? The City should be protecting their property values.

Kathy Maxwell, 1869 Camrose Ct., is also concerned the apartment complex will cause their property values to suffer. This will affect the property values of the entire north end of Chateau Estates. It is the City’s responsibility to protect aging neighborhoods and look at the long-term effects.

AGENDA ITEM NO. 1

Request for Site Plan Approval for Chateau Village Apartments Phase 4. The property is located at 1952 – 44th Street, SW (Section 27) (John Lee Koetje)

Cochran noted on May 7th, the City Council approved in first reading the rezoning of this property from R-1 Single Family Residential to R-4 Multiple Family Residential. The petitioner has voluntarily offered a development agreement to the City Council that would commit to constructing only the development proposed on this site plan. The site plan was discussed during rezoning deliberation by the Planning Commission on April 17th. It was not acted upon due to the Planning Commission’s recommendation for denial of the rezoning. If the City Council wishes to proceed with the final reading and approve the rezoning, a site plan would still need to be approved by the Planning Commission.

Since May 7th, the petitioner has met with the nearby residents to amend the site plan to address many of their concerns. The proposed site plan now shows a 103 foot long garage with a berm and evergreen trees placed along the south side of the parking lot to shield vehicle head lights. In addition, dumpsters will be placed in the center of the property between the garages to provide accessibility to the residents. Otherwise, the site plan is essentially unchanged from that previously reviewed by the Planning Commission.

The following conditions of approval for the Chateau Village Apartments Phase 4 site plan were recommended:

1. Approval of the site plan is dependant upon rezoning of the property.
2. Final site grading, utilities and storm water management plans shall be approved by the Engineering Department.
3. A final landscape plan meeting City requirements shall be submitted to and approved by the Planning Department prior to installation.
4. The proposed building elevations are acceptable.
5. A parcel combination application to the City Assessor, or a variance from the Board of Zoning Appeals to allow development of a parcel without public street frontage, is required.

Cochran addressed the concerns brought up during the public comment period. He referred to item 10 in the development agreement regarding the buffer zone, which would preserve the trees and allow removal of diseased or dying trees. If the wording is changed to “do not disturb”, then it will be impossible to maintain this area. He noted, regarding the revised site plans, they were available to review at the City offices. Staff feels it is a well-designed project. It has comparable density to what is there right now. In the R-4 zone 16 units per acre are permissible.

The Development Review Team suggested the Planning Commission grant Site Plan Approval for Chateau Village Apartments Phase 4 subject to conditions 1 - 5 noted.

Motion by Bueche, supported by Weller, to grant Site Plan Approval for Chateau Village Apartments Phase 4 subject to conditions 1 – 5 noted. Discussion followed.

Hegyi asked Cochran to explain further the difference between a “buffer zone” and a “do not disturb zone”. Cochran indicated, with a “do not disturb zone”, the property cannot ever be touched or maintained. A “buffer zone” is a transition zone which can be maintained.

Postema did not think there was enough width available for trucks to pick up the trash in this location. Koetje indicated the trash bins will have rollers and can be rolled out to the trucks. They have located them on the revised plan in an area that is not so visible. He preferred them in

the original location. Hegyi asked if the developer could ask for a variance regarding the dumpsters. Cochran indicated it could be a revision to the site plan instead.

Postema asked, regarding item 10 in the development agreement, what is the rationale for identifying 5" diameter trees? Koetje noted this wording gives them the ability to remove dead or diseased trees in the buffer zone, and trees that are causing damage to property.

Chair Spencer asked if the Commissioners had any further issues with the "do not disturb zone" versus "buffer zone". There were no further comments made on this issue.

Weller questioned the height of not less than 12 feet for the garage. Koetje indicated the height is the peak of the garage, which will measure 14 feet. The garages will be the same depth and height as the ones they built for Bayberry Farms Apartments. Weller asked the building material for the garages. Koetje responded plank siding.

A vote on the motion failed 4 – 3, with Hegyi, Micele and Woodruff opposed. (5 yes votes required for approval.)

Chair Spencer asked if there were any comments from the Commissioners who voted against the proposal that may assist the developer in understanding their concerns for a future revised site plan. There were no comments.

Postema asked about the next steps for this proposal. Cochran indicated the City Council could proceed in finalizing the rezoning in second reading and decide whether to enter into the development agreement proposed by the developer. If the rezoning is not granted, the developer must wait six months to resubmit his proposal as defined within the Planning Commission's adopted By-Laws.

AGENDA ITEM NO. 2

Request for Special Use Approval for Division Gold & Silver (secondhand business).
The property is located at 5233 Division Avenue. (Section 36) (Pam Hedrick) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to occupy space within the existing Rapid Signs business at 5253 Division Avenue for the purpose of buying precious metals. In August 2011, the Planning Commission granted Special Use Approval to the petitioner for this use at 4044 Division Avenue. The petitioner proposes to relocate that business to this property. All secondhand business operators are background checked and are required to follow item declaration procedures through the Police Department.

This use requires Special Use Approval as a secondhand business from the Planning Commission. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed use is a minor business activity when compared to the primary use of the property. The proposed use is perceived to have no substantial and adverse effect on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. There are other precious metals purchasers on Division Avenue in nearby communities. Also, the City has authorized other secondhand dealers for other goods along Division Avenue. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has access to Division Avenue, a five-lane thoroughfare. No adverse traffic impacts are anticipated from this retail use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The business will share an existing commercial building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff has no additional comments.

- g. That all other provisions of this chapter are met.

With the associated licensing requirements of the City, staff has no other concerns.

Staff had the following added site plan comment:

1. The site is fully developed. The property is part of a three parcel development that includes the buildings to the south and west. All three parcels share irrevocable reciprocal parking and access rights. The copy of this agreement verifying these rights has been provided. No alterations to the site plan are requested.

The Development Review Team recommended the Planning Commission grant Special Use Approval for Division Avenue Gold & Silver – Secondhand Business per Staff’s Findings of Fact. Staff also recommended granting Site Plan Approval.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for Division Avenue Gold & Silver – Secondhand Business per Staff’s Findings of Fact. Motion carried unanimously.

Motion by Hegyi, supported by Woodruff, to grant Site Plan Approval. Motion carried unanimously.

AGENDA ITEM NO. 3

Turn On 28th Street Form Based Code.

Cochran noted a steering committee has been formed and three consultants will be interviewed on June 22nd. Chair Spencer and Micele are part of the interview team. The steering committee will make a recommendation regarding consultant selection and refer it to City Council for contract approval.

Postema asked if there was anything new regarding marketing. Micele indicated the committee is still working on putting together an awareness piece with WKTV. The emphasis right now has been moving forward with development of the form based code. The marketing committee has many ideas and is still deciding on a direction.

Postema noted the Turn On 28th Street Plan recommended four types of possible revenue streams. Have any of those revenue streams been explored? Rynbrandt replied the DDA had originally budgeted \$30,000 for marketing purposes for FY 2012/13, but due to a negative income stream right now, they had to eliminate the money budgeted for marketing. The negative income comes from the DDA having to reimburse businesses who won their Michigan Tax Tribunal cases. It will take years before there is any DDA income coming in from tax capture. At the City Council meeting when the DDA budget was approved, Council members agreed the initial focus has to be on the development of the form based code. Any monies to focus on marketing would most likely have to come out of the general fund. One of the revenue generating options in the Plan was for the DDA to levy up to two mills, but the DDA Board does not want to raise taxes on 28th Street businesses. She and Cochran would review the other possible revenues streams further.

Weller asked if the crescent street should be built first. Cochran indicated they are currently looking at what it would take to improve Michael Avenue as an entryway to the future crescent street.

PUBLIC COMMENT

Matt Hofstee, 2006 Denwood Ave SW, thought one Council member's comments regarding the Chateau Village Apartments rezoning did not represent the opinion of the entire City Council.

Chair Spencer asked the Commissioners, if the site plan were to come back to the Planning Commission again, would they consider waiving the six month waiting period? Postema pointed out the developer would have to propose a major change to the site plan. Cochran would consult with the City Attorney and City Clerk in this regard. Hegyi and Micele indicated they would not change their vote either way. Weller preferred the revised site plan. Hegyi asked, if the City Council approves the rezoning, is the site plan automatically approved because of the development agreement? Cochran would consult with the City Attorney on this issue. If the City Council approves the rezoning and the Planning Commission refuses to grant Site Plan Approval, the developer could take the matter to court.

ADJOURNMENT

The meeting was adjourned at 8:10 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Secretary
Wyoming Planning Commission